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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 LEIDA PANGINDIAN, an individual,  
11 Plaintiff,

12 v.

13 HONEYBEE FOODS CORPORATION a  
14 foreign corporation; ROBERT DENOLO, an  
15 individual; and DOES and ROE entities I-X,  
inclusive,  
16 Defendants.

Case No. 2:21-cv-00687-GMN-EJY

**STIPULATION AND ~~PROPOSED~~**  
**ORDER TO STAY DISCOVERY FOR 60**  
**DAYS**

**(FIRST REQUEST)**

17  
18 Plaintiff LEIDA PANGINDIAN and Defendants HONEYBEE FOODS CORPORATION  
19 and ROBERT DENOLO. by and through their counsel of record, stipulate to stay discovery for a  
20 period of sixty (60) days.

21 Counsel held a Rule 26(f) conference on June 10, 2021 wherein it was discussed and  
22 ultimately agreed that a stay of discovery was warranted in this matter in light of Defendants'  
23 pending motion to dismiss which could result in complete dismissal of Plaintiff's IIED and FMLA  
24 claims. Further, the parties discussed commencing settlement discussions which could result in  
25 early resolution. The parties agree that staying discovery for a limited period will enable the parties  
26 to divert resources to exploring a potential early resolution.<sup>1</sup>

27 <sup>1</sup> While the parties agree to stay formal discovery, the parties agree to exchange initial  
28 disclosures by July 9, 2021 to help foster a candid discussion of the claims but beyond initial  
disclosures, agree that formal discovery should be stayed.

1 In assessing a request to stay discovery, the Court decides whether it is necessary to speed  
2 the parties along in discovery or whether it is appropriate to delay discovery and spare the parties  
3 the associated expense. *Tradebay, LLC v. Ebay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011). To  
4 make this assessment, the Court takes a “preliminary peek” at the merits of the purportedly  
5 dispositive motion, though, importantly, this “preliminary peek” does not prejudge the outcome of  
6 the motion, it merely evaluates whether an order staying discovery is warranted. *Id.* Defendants’  
7 Motion to Dismiss is the type warranting a stay of discovery as Defendants have sought to dismiss  
8 two of Plaintiff’s three claims with prejudice. The remaining claim is a quasi-contract claim with  
9 an amount in controversy of only \$2,498.42 based on allegations that Defendants did not reimburse  
10 Plaintiff for business expenses. Moreover, no discovery is required to make a determination on the  
11 Motion to Dismiss. Accordingly, requiring the parties to conduct discovery on claims that may be  
12 dismissed and may not be curable by further amendment would cause an unnecessary expense on  
13 the parties and potentially log the Court’s docket with unnecessary discovery disputes on these  
14 claims. Additionally, because of the Motion to Dismiss, Plaintiff has not been apprised of which  
15 factual allegations Defendants intend to admit, and which Defendants intend to deny. Nor has  
16 Plaintiff been apprised of the defenses Defendants intend to assert. Plaintiff believes this would  
17 limit her ability to conduct full discovery while the Motion to Dismiss is pending. Plaintiff disputes  
18 the arguments made in Defendants’ Motion to Dismiss but agrees that the motion is of the type  
19 warranting a stay of discovery. Moreover, the parties have discussed exploring an early resolution  
20 and wish to divert efforts to those discussions before engaging in extensive discovery. Thus, it  
21 would be appropriate to spare the parties the burden and expense of discovery in light of these  
22 reasons.

23 The parties will re-visit this issue after sixty days to determine whether circumstances have  
24 changed that might warrant commencing discovery or continuing the stay. Accordingly, the parties  
25 request that discovery be stayed sixty days or until September 1, 2021 unless the Court rules on  
26 Defendants’ Motion to Dismiss prior to that date. If the Court rules on Defendants’ Motion to  
27 Dismiss prior to September 1, 2021, the parties will submit a stipulated discovery plan and  
28 scheduling order within 14 days of the Court’s ruling on Defendants’ Motion. If the Court does

1 not rule on Defendants' Motion to Dismiss prior to September 1, 2021, the parties will conduct  
2 another discovery conference and either submit a stipulated discovery plan and scheduling order,  
3 or a proposed stipulation for an additional stay of discovery.

4 Dated: July 1, 2021

Dated: July 1, 2021

5 Respectfully submitted,

Respectfully submitted,

6  
7 /s/ Trevor J. Hatfield

/s/ Amy L. Thompson

8 TREVOR J. HATFIELD, ESQ.  
HATFIELD & ASSOCIATES, LTD

ROGER L. GRANDGENETT, II, ESQ.  
AMY L. THOMPSON, ESQ.  
LITTLER MENDELSON, P.C.

9 *Attorney for Plaintiff*

*Attorneys for Defendants*

10  
11 **IT IS SO ORDERED.**

12 Dated: July 2, 2021.

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15 UNITED STATES MAGISTRATE JUDGE

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17 4841-9515-6208.1 / 111725-1001  
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